

REMARKS

In the Office Action, the Examiner rejected claims 1, 3, 4, 6, 8, 9, 11, 12, and 14 under 35 U.S.C. § 112, first paragraph; rejected claims 1, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,167,383 to Henson ("*Henson*") in view of U.S. Patent No. 7,113,919 to Norris et al. ("*Norris*"); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* and *Norris* in view of U.S. Patent No. 5,974,395 to Bellini ("*Bellini*"); and rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* and *Norris* in view of U.S. Patent No. 6,188,989 to Kennedy ("*Kennedy*"). Applicant respectfully traverses each of the Examiner's rejections.

By this amendment, Applicant amends claims 1, 3, 4, 6, 8, 9, 11, 12, and 14. Support for the amendment to independent claim 1 can be found, for example, on page 62 line 19 to page 63 line 19 of Applicant's specification. Claims 1 and 3-55 are pending with claims 1, 3, 4, 6, 8, 9, 11, 12, and 14 presented for examination, and claims 5, 7, 10, 13, and 15-55 withdrawn from consideration.

The Examiner rejected claims 1, 3, 4, 6, 8, 9, 11, 12, and 14 under 35 U.S.C. § 112, first paragraph because the phrase "commodity information including purpose information, specifying the purpose of using or purchasing the commodity" is allegedly not supported by Applicant's specification. Applicant has amended claim 1 to recite "objective information specifying the objective of using or purchasing the commodity," which is supported by the specification at, for example, page 63, lines 11-19. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 3, 4, 6, 8, 9, 11, 12, and 14 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 1, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* in view of *Norris*. *Henson* and *Norris* fail to disclose or suggest the subject matter of the claims.

Independent claim 1 recites “[a] commodity selling apparatus for accepting an order of a commodity in response to a customer’s request to purchase the commodity over a network, and for directly shipping the ordered commodity to the customer,” including, among other things, “attention instigation transmitting means for transmitting attention instigation information if one of the related commodities from the proposed order is determined to be unnecessarily redundant.” *Henson* and *Norris* fail to disclose or suggest the claimed “attention instigation transmitting means.”

Henson discloses “[a] web-based online store including a configurator, a cart, a checkout, and a database . . . in which a user interface of the online store enables a custom configuration of a computer system according to an identification of a user belonging to a prescribed customer set.” *Henson*, Abstract. However, *Henson* is silent with respect to the claimed “attention instigation transmitting means.”

Norris fails to cure the deficiencies of *Henson*. *Norris* discloses “the automated selection of formulations and/or formulation components by specifying product characteristics. In particular, the system and method serve customers within market segments that use selected components as raw materials for manufacture of specialty products and that require and understanding of how the selected components effect performance.” *Norris*, Abstract. However, *Norris* is also silent with respect to the claimed “attention instigation transmitting means.”

Accordingly, *Henson* and *Norris* fail to disclose or suggest the subject matter of claim 1. Claims 3, 6, 8, 9, 12, and 14 depend from claim 1.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* and *Norris* in view of *Bellini*. Claim 4 depends from claim 1 and requires all recitations therein. As discussed previously, *Henson* and *Norris* fail to disclose or suggest the subject matter of claim 1.

Bellini fails to cure the deficiencies of *Henson* and *Norris*. *Bellini* fails to disclose or suggest “attention instigation transmitting means for transmitting attention instigation information if one of the related commodities from the proposed order is determined to be unnecessarily redundant,” as recited in claim 1. Accordingly, *Henson*, *Norris*, and *Bellini* fail to disclose the subject matter of claim 4.

Applicant respectfully traverses the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Henson* and *Norris* in view of *Kennedy*. Claim 11 depends from claim 1 and requires all recitations therein. As discussed previously, *Henson* and *Norris* fail to disclose or suggest the subject matter of claim 1.

Kennedy fails to cure the deficiencies of *Henson* and *Norris*. *Kennedy* fails to disclose or suggest “attention instigation transmitting means for transmitting attention instigation information if one of the related commodities from the proposed order is determined to be unnecessarily redundant,” as recited in claim 1. Accordingly, *Henson*, *Norris*, and *Kennedy* fail to disclose the subject matter of claim 4.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

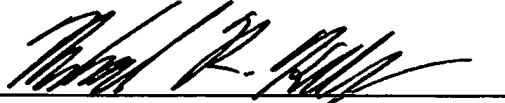
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 28, 2008

By:


Michael R. Kelly
Reg. No. 33,921